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ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0157 Animal Allergy Center **P.C. DATE:** 01/10/2012, 02/28/12

ADDRESS: 2207 Lake Austin Boulevard **AREA:** 0.1461 acres

APPLICANT: Minerva, Ltd.
(Doug Kadison) **AGENT:** Animal Allergy Center
(Patrick Nichols, DVM)

NEIGHBORHOOD PLAN AREA: Central West **CAPITOL VIEW:** No

T.I.A.: Waived – See the Transportation Reviewers comments.

WATERSHED: Town Lake **DESIRED DEVELOPMENT ZONE:** Yes

ZONING FROM: NO-NP – Neighborhood Office – Neighborhood Plan

ZONING TO: LR-NP – Neighborhood Commercial – Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

Staff recommends LR-CO-NP, Neighborhood Commercial - Conditional Overlay – Neighborhood Plan. The Conditional Overlay would limit vehicle trips to 2,000 per day.

PLANNING COMMISSION RECOMMENDATION:

WATERFRONT PLANNING ADVISORY BOARD:

This case was heard by the Waterfront Planning Advisory Board on February 13th and they recommended approval of the case, however, the motion failed on a vote of 3-0-1. Therefore the case is sent to Planning Commission without a recommendation.

DEPARTMENT COMMENTS:

The site is currently developed with a one story former residential dwelling that is now used as an office. The applicant is proposing to change the zoning in order to utilize the building for a Pet Services use. This zoning case is within the boundaries of the Central West Austin Neighborhood Plan. The requested zoning change of NO-NP to LR-NP is in accordance with the neighborhood commercial land use category identified on the Future Land Use Map.

The subject property is located along Lake Austin Boulevard, in an area described as “Deep Eddy’s commercial corridor” in the neighborhood plan. On page 43, the neighborhood plan states that this area “should remain a mix of neighborhood niche shops and offices.”

The proposed rezoning to allow the use of pet services does not conflict with the neighborhood plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	LO-NP	Office
NORTH	LO-NP	Office
SOUTH	CS-NP	Office
EAST	LO-NP	Office
WEST	GO-NP	Office

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-06-0087 2307 Lake Austin Boulevard	From MF-3 to GR-MU-CO	Approved GR-MU-CO [Vote: 7-0]	Approved GR-MU-CO [Vote: 5-0]

BASIS FOR RECOMMENDATION:

- Zoning changes should promote compatibility with adjacent and nearby uses.*

The proposed rezoning to allow the use of pet services does not conflict with the neighborhood plan.

NEIGHBORHOOD ORGANIZATION:

- Austin Neighborhoods Council
- West End Austin Alliance
- Old Austin Neigh. Assoc.
- Original Austin Neighborhood Assoc.
- West Austin Neighborhood Group

SCHOOLS:

Matthews Elementary School
O'Henry Middle School
Austin High School

SITE PLAN:

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

A portion of the plan is within the Deep Eddy/University Subdistrict of the Waterfront Overlay. Development within the subdistrict will be subject to the restrictions of the overlay and additional comments will be made at the time of site plan application.

Scenic roadways include Lake Austin Boulevard and Mopac – sign ordinance applies.

ENVIRONMENTAL:

- 1) The site is located over the Edwards Aquifer Recharge Zone. The site is in the Town Lake Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

- 2) According to flood plain maps, there is no flood plain in or within close proximity of the project location.
- 3) The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.
- 4) Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 5) Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
- 6) Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
- 7) At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

TRANSPORTATION:

No additional right-of-way is needed at this time.

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4

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Lake Austin Blvd	100	MAU 4	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE: March 22nd, 2012

ACTION:

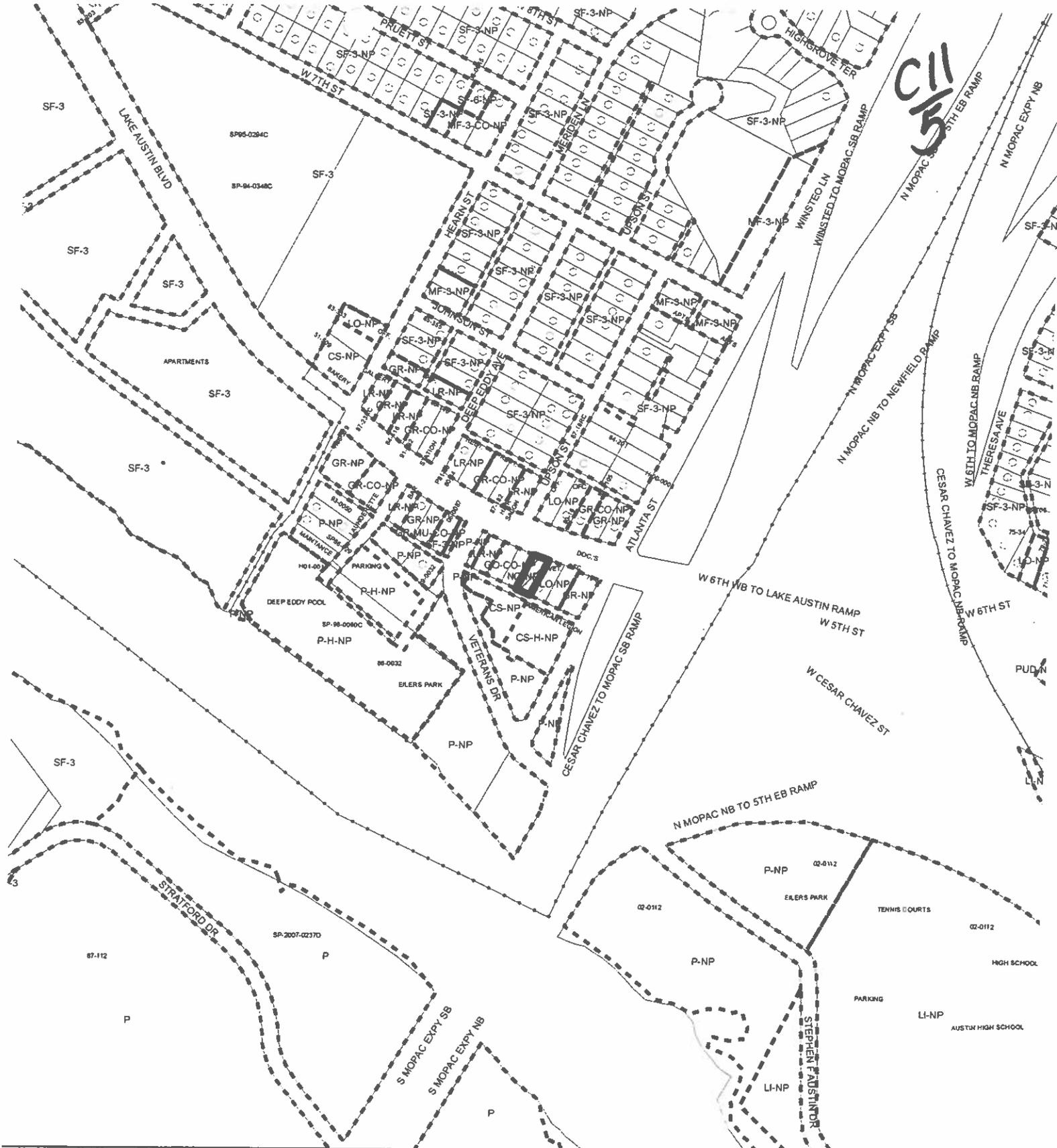
ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691

C14-2011-0157



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2011-0157

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



C11
7

2207 Lake Austin Blvd, Austin, TX 78703



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L.2.1

Preserve the existing multi-family residential uses along Enfield Road, Exposition Boulevard, and 35th Street. If these properties redevelop, encourage a similar scale and the preservation of affordable rental housing, which contributes to the diversity of the neighborhood.

P

L.2.2

Casis Shopping Center should remain a small-scale, neighborhood-serving retail center, appropriate with Casis Elementary School, residential neighbors, and the Drinking Water Protection Zone.

P



L.2.3

Revitalize the Tarrytown Shopping Center by attracting preferably locally-owned neighborhood-serving and pedestrian-oriented businesses such as cafés, restaurants, and a bakery. Height should remain appropriately scaled to the adjacent residential structures.

P

L.2.4

The small-scale multifamily, commercial, and civic uses surrounding Tarrytown Shopping Center should remain. Howson

Library and the Fire Station are particularly important to Central West Austin.

P



L.2.5

The churches along Exposition Boulevard are valued institutions of the Central West Austin community and should remain into the future. If they are not able to stay and cannot be replaced by other churches, the properties should be used as single family housing.

P

L.2.6

Deep Eddy's commercial corridor along Lake Austin Boulevard should remain a mix of neighborhood niche shops and offices. If redevelopment occurs, the open street feel and pedestrian friendliness of this corridor and its views of Lady Bird Lake and the western hills should be preserved. Redevelopment should also respect Lady Bird Lake, in keeping with the spirit of the Drinking Water Protection Zone and Waterfront Overlay.

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17 January 2012

C11
/10

Clark Patterson, Case Manager
City of Austin

RE: C14-2011-0157; 2207 Lake Austin Boulevard

Mr. Patterson:

The Board of Directors (BoD) of West Austin neighborhood Group has voted electronically to support the requested rezoning of the above referenced property from the NO-NP zoning district to the LR-NP zoning district with conditions.

Historical Context:

In 1992 when this property was rezoned from the SF-3 zoning district to its current zoning district of NO (the NP designation being added in 2010 under the Central West Austin NP), it was with WANG's support that all three readings of the ordinance were passed on the City Council's Consent Agenda. The basis of that support was a letter agreement between WANG and the then owner of the property Mr. Jerry Smith of Treble, Inc. That letter became part of the City File referencing the rezoning (C14-92-0049) and is included with this letter. We understand that this letter agreement falls short of a restrictive covenant on the property, but the current owner of the property Minerva, Ltd. was made aware of the agreement shortly after they acquired the property in 2001 and the neighborhood association believes this agreement should be given weight in this new rezoning request.

In 2001, after the property passed from Treble, Inc. to Minerva, Ltd., a Board of Adjustment variance request was sought for the property:

C15-01-064
2207 Lake Austin Boulevard
Owner: Minerva, Ltd 512-481-8899
Applicant: Mervin Fatter 512-476-3181

Variances Requested:

The applicant has requested a variance to increase the maximum impervious coverage requirement from 60% to 75% (80% existing) in order to allow a second story addition to an existing Administrative and Business office use in an NO Neighborhood Office zoning district.

The applicant has requested a variance to decrease the minimum front street setback requirement from 25 feet to 14.2 feet (existing building setback) in order to allow a second story addition to an existing Administrative and Business office in an NO Neighborhood Office zoning district.

The WANG Board deliberated on the requests and agreed with the applicant that the front setback incursion request was justified. We did however oppose the increase in impervious

C11/11

coverage request as it ran contra to the letter agreement between Treble, Inc. and WANG, had potential to harm a drinking water source for the City, and we could find no unique hardship. The WANG letter of opposition to this requested variance is part of the City's record on this matter and a copy is included in this letter. Before the Board of Adjustment heard the matter the applicant withdrew their requests. Their withdrawal letter to the Board of Adjustment is included.

It should be noted that the 1992 letter agreement between WANG and Treble, Inc. spoke to a maximum of 50% impervious coverage on the property, and until 2001 when the property was sold that was apparently the maximum amount of impervious coverage on the property. The maximum amount of impervious coverage allowed under the NO zoning district is 60% and there is no record of permitted impervious coverage increase beyond that maximum.

In 2010 the Central West Austin Neighborhood Plan (CWANP) was enacted and this property is included. Under Section L.2.6 we find:

“Deep Eddy’s commercial corridor along Lake Austin Boulevard should remain a mix of neighborhood niche shops and offices. If redevelopment occurs, the open street feel and pedestrian friendliness of this corridor and its views of Lady Bird Lake and the western hills should be preserved. Redevelopment should also respect Lady Bird Lake, in keeping with the spirit of the Drinking Water Protection Zone and Waterfront Overlay.”

In addition, the Future Land Use Map (FLUM) designates this property as Neighborhood Commercial.

The neighborhood sees this portion of Lake Austin Boulevard as a “gateway” into the neighborhood, and WANG has consistently sought, when these properties evolved from single-family residences to office and neighborhood commercial use, to preserve the historical context of the structures. The letter agreement between WANG and the then owner’s of this property is typical of our ongoing efforts.

The neighborhood Association does support the requested rezoning from NO-NP to LR-NP, but with conditions:

We would ask that the following permitted uses available under the LR zoning district and not available under the NO zoning district, **with the exception of pet service**, become conditional uses, specifically:

- Consumer Convenience Services
- Consumer Repair Services
- Financial Services
- Food Sales
- Medical Offices (Not Exceeding 5,000 s.f.)
- Off-site Accessory Parking
- Personal Improvement Services
- Personal Services

C11
/12

Printing & Publishing
College & University Facilities
Cultural Services
Guidance Service
Private Primary Educational Facilities
Private Secondary Educational Facilities
Safety Services

We would ask that the following permitted and conditional uses available under LR Zoning district become prohibited uses:

General Retail Sales (Convenience and General)
Medical Offices (Exceeding 5,000 s.f.)
Restaurant (General & Limited)
Service Station
Custom Manufacturing
Club or Lodge
Hospital Services (Limited)

We would ask that the site development standards for this property be restricted to the entitlements available under the current NO zoning district.

We would ask that the number of vehicle trips to the site be limited to 2,000 per day.

We would ask that the letter agreement between West Austin Neighborhood Group and the property's owner in 1992 be recognized again by the City of Austin and its provisions incorporated into the rezoning ordinance.

Please feel free to contact us.

Blake Tollett-WANG-Zoning Chair
3701 Bonnie Road 78703
512-477-4028 blake.tollett@earthlink.net

SUPPLEMENTAL INCLUSIONS
C14-2011-0157
WANG

C11
13

West Austin Neighborhood Group
May 20, 1992

Mr. Jerry Smith
Treble Enterprises
1621 West 6th Street
Austin, Texas 78703

Re: Application for rezoning of Lot No. 4, Block 1, Johnson's
River Addition, City of Austin, Case No. C14-92-0049,
Street address: 2207 Lake Austin Boulevard

Dear Mr. Smith:

You have asked the West Austin Neighborhood Group Executive
Committee (WANG) to support your application to rezone the above-
referenced property from SF-3 to NO. In consideration for WANG's
support of your application, you agree to the following:

1. To place no pole signs, no internally lit signs, and no
portable signs on the property.
2. To keep impervious ground cover less than 50% of the total
area of the lot.
3. To preserve the existing facade of the building which faces
Lake Austin Boulevard.
4. To not request special use permits or waivers of
compatibility standards for this property except for any
compatibility standards triggered by the use of or zoning of the lot
adjacent on the West.
5. To make no additional curb cuts on Lake Austin Boulevard
6. To guarantee to maintain at least 5 trees on the site by
replacing any tree which dies or is removed by a tree or trees of the
owner's choice, at a location of the owner's choice.

[Handwritten signature]

C4
14

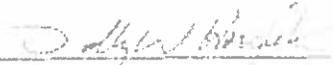
Mr. Jerry Smith
May 20, 1992
Page Two

This contract may be amended at any time by the consent of both parties to it.

In consideration for your promise to comply with the above provisions, WANG agrees to support your application for the rezoning of your lot.

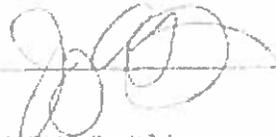
This letter, when accepted by you in the place provided below, is intended to be a binding contract between us, our heirs, successors and assigns, and your obligations set forth above shall be specifically enforceable by WANG.

Very truly yours,
WEST AUSTIN NEIGHBORHOOD GROUP

BY 
Douglas B. Smith

ACCEPTED AND AGREED TO:

Jerry Smith

BY 

WANG.05.20.92.Hr

C11/15



West Austin Neighborhood Group

Organized 1973

"To preserve our neighborhood and protect it from deterioration."

5 July 2001

EXECUTIVE COMMITTEE

Hal Katz
President

Linda Neavel Dickens
Vice-President

Susan Walker
Board of Adjustment Liaison
Watershed Protection and Development Review
Box 1088
Austin, Texas 78767-8335

Gwen Jewiss
Secretary

RE: C15-01-064 2207 Lake Austin Boulevard

Ian Inglis
Treasurer

Dear Ms. Walker:

STANDING COMMITTEES

James Allman
Membership Chair

At its regularly scheduled monthly meeting on 2 July 2001, the Executive Committee (ExComm) of West Austin Neighborhood Group (WANG) voted unanimously to oppose the requested "variance to increase the maximum impervious coverage" contained in the above referenced request and respectfully asks the Board of Adjustment to deny this portion of the request.

Blake Tollett
Zoning Chair

COMMITTEE MEMBERS

Joyce Basciano
Michael Cannatti
Eric Cary
Chris Garrigues
Balle Griffith
Sara Madera
Susan Pascoe
Selina Serna
Irwin Spear

Attached is a copy of a contract between WANG and Jerry Smith/Treble Enterprises dated 20 May 1992. This contract was not recorded with the deed, but it is included in the zoning change case file C14-92-0049. This zoning upgrade was passed by Council on 11 June 1992 on the Consent Agenda in part due to neighborhood support. In conversation with Mr. Smith on 19 June 2001 at 2207 Lake Austin Boulevard where he offices, Mr. Smith informed me that when Minerva, Ltd. bought the property from him earlier this year that he gave them all the documents that he had. Although there may be some question as to Minerva, Ltd. being legally bound to the WANG/Smith contract of 1992, the ExComm of WANG feels strongly that Minerva, Ltd. is morally bound to the contract. In addition, there is a notation in the C14-92-0049 file that the property is located "...on the drainage divide between Johnson Creek Watershed classified as Urban and the Town Lake Watershed classified as Water Supply Sub-urban Class I (WSSI)...The impervious cover limit for

HONORARY COMMITTEE MEMBERS

Mary Arnold
Sinclair Black
Hon. Lloyd Doggett
Hon. Beverly Griffith
Hon. Ann Kitchens
Hon. Will Wynn

continued

CU
16

WANG/C15-01-064/2207 Lake Austin Boulevard
page 2

urban sites is not restricted by the water quality provisions of the Code. The impervious cover for WSSI sites for commercial use is 40% net site in the uplands. ...This site may require water quality controls...". WANG is concerned that this Spring, Minerva, Ltd. did extensive land forming and paving on the site without benefit of a City permit.

WANG believes that the granting of this variance is unwarranted and would set a bad precedent for the neighborhood. A representative will be at the 9 July 2001 Board of Adjustment meeting.

Sincerely;



Blake Tollett, WANG
3701 Bonnie Road
477-4028

Fatter & Evans Architects, Inc.

C11
17

June 28, 2001

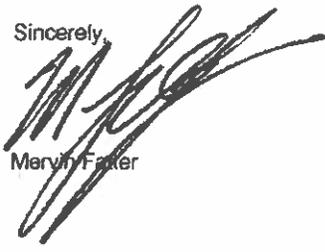
Susan Walker
City of Austin
P.O. BOX 1088
Austin, TX 78767

Re: Minerva Ltd.
2207 Lake Austin Blvd.
Case #C15-01-064

Ms. Walker

We are requesting that Case #C15-01-064 be removed from the July 9th agenda with the Board of Adjustments. Please let us know if you need any additional information.

Sincerely,



Marvin Fatter

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2011-0157

Contact: Clark Patterson, (512) 974-7691

Public Hearing: Jan 10, 2012, Planning Commission
Jan 26, 2012, City Council

DAN R. STEBLAY
Your Name (please print)

I am in favor
 of object

2203 & 2205 LAKE AUSTIN BLVD.
Your address(es) affected by this application


Signature

12-19-12
Date

Daytime Telephone: 817-300-8382

Comments: WE DO NOT FEEL THIS IS
A SUITABLE LOCATION FOR
THIS TYPE OF BUSINESS!
IT WILL HAVE AN ADVERSE
EFFECT ON OUR PROFESSIONAL
BUILDING NEXT DOOR.
Thank you, Dan Steblay

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

C11
18

C11/19



MEMORANDUM

TO: Mr. Jim Knight, Chairman
Waterfront Planning Advisory Board Members

FROM: Clark Patterson, AICP
Planning and Development Review Department

DATE: February 10, 2012

SUBJECT: C14-2011-0157 Animal Allergy Center

The proposed rezoning request is located at 2207 Lake Austin Boulevard. The requested zone change is from Neighborhood Office, Neighborhood Plan (NO-NP) to Neighborhood Commercial, Neighborhood Plan (LR-NP). This zone change request is located in the University/Deep Eddy Subdistrict of the Waterfront Overlay District. The zone change request is not located within either the primary or the secondary setback of the University/Deep Eddy Subdistrict.

This zoning case is within the boundaries of the Central West Austin Neighborhood Plan. The requested zoning change of NO-NP to LR-NP is in accordance with the neighborhood commercial land use category identified on the Future Land Use Map.

The subject property is located along Lake Austin Boulevard, in an area described as "Deep Eddy's commercial corridor" in the neighborhood plan. On page 43, the neighborhood plan states that this area "should remain a mix of neighborhood niche shops and offices."

The proposed rezoning to allow the use of pet services does not conflict with the neighborhood plan.

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20



SUBJECT TRACT

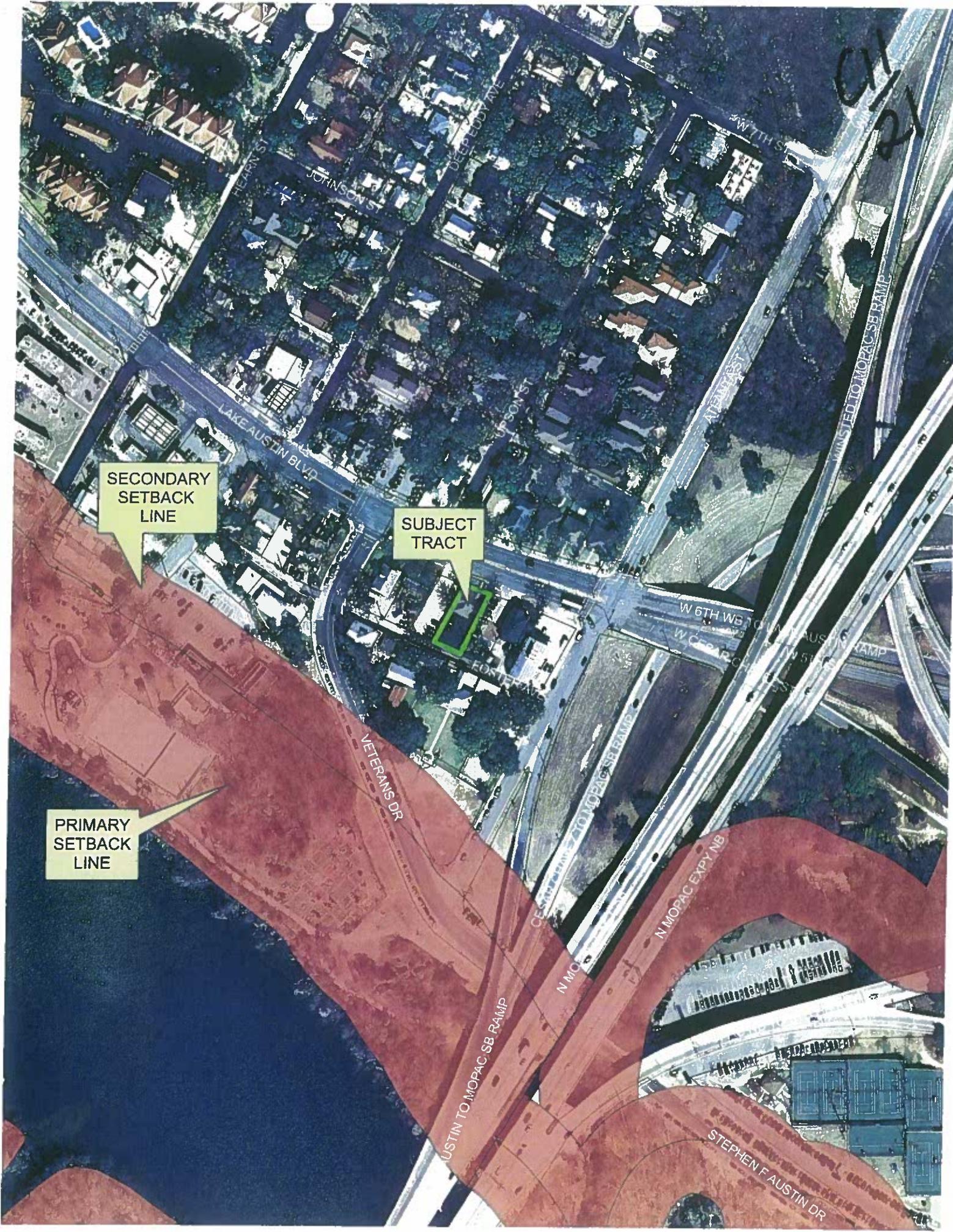
UNIVERSITY/DEEP EDDY
SUBDISTRICT @ WATERFRONT
OVERLAY

SECONDARY
SETBACK
LINE

SUBJECT
TRACT

PRIMARY
SETBACK
LINE

01
21



C11
22

§ 25-2-744 UNIVERSITY / DEEP EDDY SUBDISTRICT REGULATIONS.

- (A) This section applies in the University / Deep Eddy subdistrict of the WO combining district.
- (B) The primary setback lines are located:
- (1) 200 feet landward from the Town Lake shoreline, between Tom Miller Dam and Red Bud Trail; and
 - (2) 300 feet landward from the Town Lake shoreline, between Red Bud Trail and MoPac Boulevard.
- (C) The secondary setback lines are located:
- (1) 50 feet landward from the primary setback line, between Tom Miller Dam and Red Bud Trail; and
 - (2) 100 feet landward from the primary setback line, between Red Bud Trail and MoPac Boulevard.
- (D) For a primary setback area, a secondary setback area, or an area within 50 feet of a secondary setback line:
- (1) the maximum building height is 35 feet; and
 - (2) the floor to area ratio may not be increased under Section 25-2-714 (*Additional Floor Area*).
- (E) For an area not included in a primary setback area or a secondary setback area, the maximum impervious cover is 40 percent.
- (F) The maximum height is the lower of 60 feet or the maximum height allowed in the base zoning district.

Source: Section 13-2-702(a); Ord. 990225-70; Ord. 031211-11; Ord. 20090611-074.